

Approved: T. J. JOSEPH PERTZ  
Assistant United States Attorney

Before: THE HONORABLE PAUL E. DAVISON  
United States Magistrate Judge  
Southern District of New York

- - - - - x  
UNITED STATES OF AMERICA : 22 Mag. 6492  
- v. - : RULE 5(c)(3)  
ERIC JAMES O'NEIL, : AFFIDAVIT  
Defendant. :  
- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss:

LAURA RODIA, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

On or about July 13, 2022, Kelly Montgomery, Deputy Clerk for the United States District Court for the District of Idaho, issued a warrant for the arrest of "Eric O'Neil" (the "Arrest Warrant") based on an indictment charging "Eric J. O'Neil" with violating 18 U.S.C. § 1344 (the "Indictment"). A copy of the Arrest Warrant and Indictment are attached hereto as Exhibit 1 and incorporated by reference herein.

I believe that ERIC JAMES O'NEIL, the defendant, who was arrested on August 9, 2022, in the District of Connecticut, is the same individual as "Eric O'Neil," who is wanted by the U.S. District Court for the District of Idaho.

The bases for my knowledge and for the foregoing charge are, in part, as follows:

1. I am a Special Agent with the FBI. This affidavit is based on my personal participation in the investigation of this matter, as well as on my conversations with other law enforcement officers and my examination of

documents, reports, and records. I have been involved in determining whether ERIC JAMES O'NEIL, the defendant, is the same individual as "Eric O'Neil," named in the July 13, 2022 arrest warrant from the U.S. District Court for the District of Idaho. Because this Affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned. Where I report statements made by others, those statements are described in substance and in part, unless otherwise noted.

2. Based on my review of documents from proceedings in the U.S. District Court for the District of Idaho, I know that, on or about July 13, 2022, Kelly Montgomery, Deputy Clerk for the United States District Court for the District of Idaho, issued a warrant for the arrest of "Eric O'Neil" (the "Arrest Warrant"). The Arrest Warrant was issued based on an indictment charging "Eric J. O'Neil" with violating 18 U.S.C. § 1344 (the "Indictment").

3. Based on my review of the Indictment, I know that "Eric J. O'Neil," the defendant named in the Indictment, was a resident of White Plains, New York.

4. I have been involved in the investigation of "Eric J. O'Neil," who is wanted by the U.S. District Court for the District of Idaho. Based on my involvement in that investigation, I have learned the following, in substance and in part:

a. I have reviewed information regarding "Eric O'Neil", including a criminal history report (the "Rap Sheet") and an identification card issued by the New York State Department of Motor Vehicles ("the ID"). The ID was in the name of "Eric James O'Neil," included a photograph ("Photograph-1"), a particular date of birth ("the DOB"), and a particular address in White Plains, New York ("the White Plains Address"). DMV records show a particular black Toyota Camry registered to the "Eric James O'Neil" depicted on the ID, with a license plate ending in 2186 (the "Toyota Camry").

b. Property and tax records from the town of Bethel, Connecticut show that in or about 2022, "Eric O'Neil" purchased a particular residential property at an address in Bethel (the "Bethel Residence"). Based on surveillance of the Bethel Residence in or about July 2022, I observed the Toyota Camry parked outside. I also observed an individual outside the

residence whom I recognized as "Eric James O'Neil" based on a comparison of rap sheet and DMV photos.

c. On or about August 9, 2022, law enforcement executed the Arrest Warrant at the Bethel Residence. From outside the residence, I and other officers called out for "Eric O'Neil." ERIC O'NEIL, the defendant, arrived at the door, and said his name was "Eric O'Neil." I recognized him as the "Eric O'Neil" depicted in Photograph-1.

d. Law enforcement also reviewed an expired passport in the name of "Eric James O'Neil," which O'NEIL had kept at the Bethel Residence, and which contained a photo that appeared to depict the same individual as in Photograph-1.

e. I arrested O'NEIL on the Arrest Warrant.

5. After arrest, ERIC O'NEIL, the defendant, waived his *Miranda* rights and agreed to an interview. O'NEIL stated, in substance and in part, that Accountant R Us, Inc. is his company. Based on my review of the Indictment, I know that the Indictment alleges that "Eric J. O'Neil" made a fraudulent application for a loan to Accountant R Us, Inc.

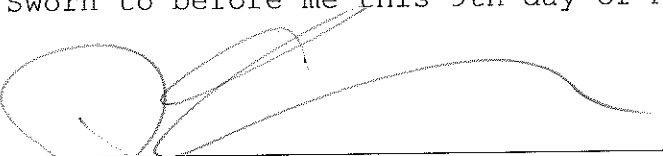
6. Based on the foregoing, I believe that ERIC JAMES O'NEIL, the defendant, is the same individual as "Eric O'Neil" for whom the Arrest Warrant was issued.

WHEREFORE, I respectfully request that ERIC JAMES O'NEIL, the defendant, be imprisoned or bailed as the case may be.



LAURA RODIA  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this 9th day of August, 2022.



THE HONORABLE PAUL E. DAVISON  
United States Magistrate Judge  
Southern District of New York

# Exhibit 1

UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO

UNITED STATES OF AMERICA

WARRANT FOR ARREST

v.

ERIC O'NEIL

1:22-cr-00153-DCN

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest ERIC O'NEIL and bring forthwith to the  
nearest magistrate judge to answer **INDICTMENT** charging with the below listed violation.

18 U.S.C. § 1344 BANK FRAUD



United States Courts  
District of Idaho  
**ISSUED**  
Kelly Montgomery  
on Jul 13, 2022 4:34 pm

Kelly Montgomery, Deputy Clerk

July 13, 2022

Name and Title of Issuing Officer

Date

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RETURN

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This warrant was received \_\_\_\_\_ and executed with the arrest of the above-name  
individual at \_\_\_\_\_.

\_\_\_\_\_  
Signature of Arresting Officer

\_\_\_\_\_  
Date of Arrest

\_\_\_\_\_  
Name & Title of Arresting Officer

JOSHUA D. HURWIT, IDAHO STATE BAR NO. 9527  
UNITED STATES ATTORNEY  
SEAN M. MAZOROL, OREGON STATE BAR NO. 116398  
ASSISTANT UNITED STATES ATTORNEY  
DISTRICT OF IDAHO  
1290 W. MYRTLE ST. SUITE 500  
BOISE, ID 83702-7788  
TELEPHONE: (208) 334-1211  
FACSIMILE: (208) 334-1413

U.S. COURTS

JUL 13 2022

Rcvd. \_\_\_\_\_ Filed \_\_\_\_\_ Time \_\_\_\_\_  
STEPHEN W. KENYON  
CLERK, DISTRICT OF IDAHO

LORINDA I. LARYEA  
ACTING CHIEF  
JENNIFER L. BILINKAS  
TRIAL ATTORNEY  
UNITED STATES DEPARTMENT OF JUSTICE  
CRIMINAL DIVISION, FRAUD SECTION  
1400 NEW YORK AVENUE, N.W.  
WASHINGTON, D.C. 20005  
TELEPHONE: (202) 305-3928  
FACSIMILE: (202) 514-3708

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC J. O'NEIL,

Defendant.

Case No. **CR 22 - 0153 - S DCN**

**INDICTMENT**

18 U.S.C. § 981(a)(1)(C)

18 U.S.C. § 982(a)(2)

18 U.S.C. § 1344

28 U.S.C. § 2461(c)

**INTRODUCTION**

The Grand Jury charges:

At all times relevant to this Indictment:

1. The Defendant, ERIC J. O'NEIL ("O'NEIL"), was a resident of White Plains, New York.

2. O'NEIL owned and controlled Accountant R Us Inc., a New York-based business. Accountant R Us Inc. was incorporated in 2013 and was issued an Employer Identification Number ("EIN") by the Internal Revenue Service ("IRS").

*The U.S. Small Business Administration*

3. The United States Small Business Administration ("SBA") was an executive-branch agency of the United States government that provided support to entrepreneurs and small businesses. The mission of the SBA was to maintain and strengthen the nation's economy by enabling the establishment and viability of small businesses and by assisting in the economic recovery of communities after disasters.

*The Paycheck Protection Program*

4. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was a federal law enacted in or around March 2020 to provide emergency financial assistance to Americans suffering economic harm related to the COVID-19 pandemic. One form of relief provided by the CARES Act was the authorization of forgivable loans to small businesses for job retention and certain other expenses, through a program called the Paycheck Protection Program ("PPP").

5. To obtain a PPP loan, a qualifying business was required to submit a PPP loan application, which was signed by an authorized representative of the business. The PPP loan application required the business (through its authorized representative) to acknowledge the program rules and make certain affirmative certifications to be eligible to obtain the PPP loan. In the PPP loan application, the small business (through its authorized representative) was required to state, among other things, its: (a) average monthly payroll expenses; and (b) number of

employees. These figures were used to calculate the amount of money the business was eligible to receive under the PPP. In addition, businesses applying for a PPP loan were required to provide documentation showing payroll expenses. To qualify for a PPP loan, every application was also required to certify that the business seeking the loan “was in operation on February 15, 2020, and had employees for whom it paid salaries and payroll taxes or paid independent contractors, as reported on Form(s) 1099-MISC.”

6. A PPP loan application was processed by a participating lender. If a PPP loan application was approved, the participating lender funded the loan using its own monies, which was one hundred percent guaranteed by the SBA. Data from the application, including information about the borrower, the total amount of the loan, and the listed number of employees, was transmitted by the lender to the SBA in the course of processing the loan.

7. PPP loan proceeds were required to be used on certain permissible business-related expenses, including payroll costs, mortgage interest, rent, and utilities. Under the applicable PPP rules and guidance, the interest and principal on the loan were eligible for forgiveness if the business used the loan proceeds on these expense items within a designated period of time and used at least a certain portion of the loan towards payroll expenses.

#### *Relevant Financial Institutions*

8. Lender-1 was a financial institution based in Boise, Idaho that participated as a lender in the SBA’s PPP loan program.

#### *Overview of the Scheme to Defraud*

9. Beginning in or around March 2021, and continuing until at least in or around April 2021, in the District of Idaho and elsewhere, the Defendant, ERIC J. O’NEIL (“O’NEIL”), together with others known and unknown to the Grand Jury, did execute, and attempt to execute, a scheme



and artifice to defraud Lender-1 in connection with a fraudulent PPP loan application submitted on or about March 25, 2021 seeking a \$373,201 loan for Accountant R Us Inc. (the “PPP Loan Application”).

**Purpose of the Scheme to Defraud**

10. It was the purpose of the scheme for O’NEIL to unjustly enrich himself, and others, by fraudulently obtaining a PPP loan through false pretenses, representations, and promises, and to conceal the scheme.

**Manner and Means of the Scheme to Defraud**

11. It was part of O’NEIL’s fraudulent scheme to submit the PPP Loan Application on behalf of Accountant R Us Inc. (“Accountant R Us”) containing false information concerning, among other things, the number of employees and its monthly payroll, certifications about the business, and intended use for the funds.

12. In furtherance of the scheme, O’NEIL, together with others known and unknown to the Grand Jury, falsely certified on the PPP Loan Application that Accountant R Us was in operation on February 15, 2020, and had employees for whom it paid salaries and payroll taxes or paid independent contractors, as reported on Form(s) 1099-MISC. However, in fact, and as O’NEIL knew, Accountant R Us had no employees, paid no salaries, and paid no payroll taxes. O’NEIL further certified that the PPP loan funds would be used only for business-related expenses, including to retain workers and cover payroll expenses, and to make mortgage interest payments, lease payments, and/or utility payments. In fact, however, O’NEIL did not intend to use the funds for these purposes because Accountant R Us had no employees, payroll expenses, mortgage interest, lease, or utility bills.

13. In furtherance of the scheme, O'NEIL, together with others known and unknown to the Grand Jury, submitted, and caused to be submitted, fraudulent IRS Forms 941 and 1120 to Lender-1 for the 2019 tax year. The IRS Forms 941 and 1120 contained materially false and fraudulent information concerning total income and salaries and wages for Accountant R Us as it did not appear to have any legitimate business operations or employees in 2019, and the Forms 941 and 1120 were never filed with the IRS.

14. In furtherance of the scheme, O'NEIL, together with others known and unknown to the Grand Jury, submitted, and caused to be submitted, a fake payroll log in support of the PPP Loan Application to Lender-1. Specifically, O'NEIL sent Lender-1 a purported Accountant R Us 2019 payroll log. The log listed 22 employees, including O'NEIL, and showed their total gross salary. The purported payroll log contained the social security numbers as well as the federal and state tax withholdings for each employee. The purported payroll log contained materially false and fraudulent information concerning total income and salaries and wages for Accountant R Us as it did not appear to have any legitimate business operations or employees in 2019.

15. In furtherance of the scheme, O'NEIL, together with others known and unknown to the Grand Jury, submitted, and caused to be submitted, fraudulent profit and loss statements for Accountant R Us in support of the PPP Loan Application to Lender-1. A profit and loss statement for the second quarter of 2019 falsely claimed Accountant R Us earned \$702,500 in gross profit and paid \$447,842 in wages. A profit and loss statement for the second quarter of 2020 falsely claimed Accountant R Us earned \$516,875 in gross profit and paid \$447,842 in wages. In fact, however, Accountant R Us did not appear to have any legitimate business operations or employees in 2019 and 2020.

**COUNT ONE**

**Bank Fraud  
18 U.S.C. § 1344**

The Grand Jury further charges:

16. The allegations in paragraphs 1 through 15 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

17. From at least in or around March 2021 through at least in or around April 2021, in the District of Idaho, and elsewhere, the Defendant, ERIC J. O'NEIL, together with others known and unknown to the Grand Jury, did knowingly, and with intent to defraud, execute and attempt to execute a scheme and artifice to defraud one or more financial institutions, to wit: Lender-1, a mortgage lending business, and to obtain moneys, funds, and credits owned by and under the control of such financial institution by means of materially false and fraudulent pretenses, representations, and promises.

**Purpose**

18. The Grand Jury realleges and incorporates by reference paragraph 10 of this Indictment as a description of the purpose of the scheme and artifice to defraud.

**Scheme and Artifice to Defraud**

19. The Grand Jury realleges and incorporates by reference paragraphs 11 through 15 of this Indictment as a description of the scheme and artifice to defraud.

20. On or about March 25, 2021, ERIC J. O'NEIL, together with others known and unknown to the Grand Jury, in the District Idaho, and elsewhere, did knowingly execute the above-described scheme, by submitting the fraudulent PPP Loan Application for Accountant R Us to Lender-1 for \$373,201. In violation of Title 18, United States Code, Section 1344(2).

**FORFEITURE ALLEGATION**

**Bank Fraud Forfeiture**  
**18 U.S.C. §§ 981(a)(1)(C), 982(a)(2); 28 U.S.C. § 2461(c)**

The Grand Jury alleges:

Upon conviction of any offense set forth in this Indictment, the Defendant, ERIC J. O'NEIL, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(2), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

If any of the property described above, as a result of any act or omission of the Defendant:

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

All pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(2), Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c).

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Dated this 12th day of July, 2022.

A TRUE BILL

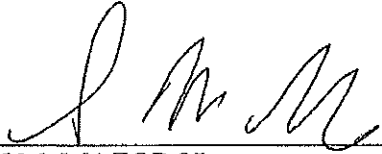
/s/ [signature on reverse]

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FOREPERSON

JOSHUA D. HURWIT  
UNITED STATES ATTORNEY

By:

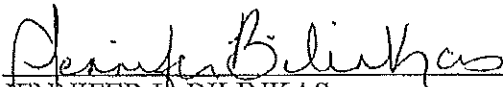


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SEAN M. MAZOROL  
ASSISTANT UNITED STATES ATTORNEY

LORINDA I. LARYEA  
ACTING CHIEF, FRAUD SECTION  
CRIMINAL DIVISION  
UNITED STATES DEPARTMENT OF JUSTICE

By:



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JENNIFER I. BILINKAS  
TRIAL ATTORNEY  
CRIMINAL DIVISION, FRAUD SECTION